REMARKS/ARGUMENTS

Claims 1-34 were submitted for examination. In this Office Action, Claim 1-34 was rejected under 35 USC 102(b) as being anticipated by US Patent No. 5,983,201 to Pierre N. Fay, hereinafter Fay.

In this response, Claim 1, 6, 12, 25 and 29 have been amended. No new matters have been introduced. As a result of the amendment, Claims 1-34 are now pending. Further consideration of the rejections is respectfully requested in view of the amendment and the following remarks.

Drawings and Specification Objections

Applicants appreciate Examiner for very carefully reviewing this pending application and providing a list of informalities. The foregoing amendments to the Drawings and the Specification have corrected these informalities. Accordingly, Applicants believe that the objections to the Drawings and Specification shall be withdrawn.

Claim Rejections - 35 USC 102

Applicants appreciate Examiner for the comments in the Office Action regarding the pending claims. In respond to the comments and in view of Fay, Applicants have amended Claim 1 to further distinguish from the cited reference:

As amended, Claim 1 recites:

> providing an interactive platform that can be displayed on a computing device;
> requesting a 3D face model from a user to be used in the interactive platform;
> determining characteristics of the 3D face model with respect to a 3D reference frame;
> retrieving a 3D representation of a pair of eyeglasses when a request identifying the pair of eyeglasses is received over the network; and
> placing the 3D representation of the glasses onto a default position with respect to the 3D face model in accordance with the characteristics thereof.

(*Emphasis added*)

As shown in FIG. 6A-6E and FIG. 7 of the pending application, a 3D face model is used in the interactive platform (see 614 of FIG. 6A), characteristics of the 3D face model, such as a nose profile and a distance of two pupils of the user, are determined with respect to a 3D reference space or frame (702 of FIG. 7), and a 3D representation of the glasses is put onto a default position (FIG. 6C).

In contrast, Fay does not use, nor indicate, that any 3D features are used in his system. Fay teaches a system that requites a customer to visit a customer diagnostic location 10, see 31 of FIG. 2 in Fay. The customer diagnostic location 10 uses an interrogator 11 that captures one or more images of a user to determine relevant information for trying on a pair of glasses provided by a remote electronic store. It is evident that the images in Fay are 2-dimentional and definitely not 3D models or representations. There are no any indications in Fay that show any similar features of the 3D face model used in the current application. When a 3D face model is given, proper measurements may be obtained with respect to a 3D space (or coordinates). When a 2D flat image is given, measurements of objects in the image become challenge. That is why lines 17-19 of Col. 5 in Fay states: "*A single digital camera with a scaling reference 46 (see FIG. 1) juxtaposed with the customer's head can also be used to obtain pertinent customer size information*". It supports that Fay relies on a scaling reference in the images (not 3D) to determine the relevant information for trying on a pair of glasses.

It is believed that Examiner may have interpreted the images used in Fay as 3D models to reject Claim 1 of the current application. Applicants respectfully submit that such interpretation could not be supported in Fay. It is commonly understood in the art that a 3D model can be viewed from different angles. In other words, a 3D model, such as the one 614 of FIG. 6A in the pending application, can be rotated for view at different perspective. If it was assumed that a 3D face model was an image in Fay, why would Fay require *a scaling reference 46* in an image. Further, according to Claim 1 of the pending application, characteristics of the 3D face model are determined with respect to a 3D reference frame, wherein the 3D reference frame is shown as 3D coordinates in FIG. 7 in the pending application. Fay never teaches nor suggests the use of a 3D

reference frame to facilitate the determination of characteristics of images, because the one or more images in Fay are not 3D models and hence include *a scaling reference*.

In addition, Fay does not teach nor suggest "placing the 3D representation of the glasses onto a default position with respect to the 3D face model in accordance with the characteristics thereof". Col. 5 lines 55-67 and Col. 8 lines 30-63 relied upon by the Examiner does not support the feature. On the opposite, it is the customer who manually moves an eyeglass frame up and down. It is obvious to those skilled in the art that only given a 3D face model, can a pair of glasses be put on. An integrated 3D view of wearing the glasses can then be seen from different angles, see FIG. 6C, 6D and 6E of the application.

Applicants respectfully submit the combined features recited in the once-amended Claim 1 are neither taught nor suggested in Fay, and believe that independent Claim 1 and corresponding dependent references shall be allowable over the cited references. The Examiner is respectfully requested to reconsider Claims 1-11.

Regarding Claim 12, one of the features shows "displaying an interactive platform received from the network, wherein the interactive platform includes respective 3D representations of the pairs of eyeglasses". Fay neither teaches nor suggests that eyeglass frames are displayed in 3D representations. Given the reasons that Fay does not use 3D face models of users, Fay would have no reasons to use 3D representations of eyeglass frames on a 2-dimensional face image of a user. Accordingly, Applicants respectfully submit the combined features recited in the once-amended Claim 12 are neither taught nor suggested in Fay, and believe that independent Claim 12 and corresponding dependent references shall be allowable over the cited references. The Examiner is respectfully requested to reconsider Claims 12-21.

Regarding Claim 22, one of the features recited is "displaying an interactive platform received from the network, wherein the interactive platform includes at least two views, a first view and a second view, each of the two views receiving a 3D face model provided by a user". The Examiner relies on Col. 5 line 1-24 to reject the feature. Applicants just could not find anywhere in Fay that indicate that the interactive platform

includes at least two views, a first view and a second view, each of the two views receiving a 3D face model provided by a user. Accordingly, Applicants respectfully submit Fay neither teach nor suggest Claim 22, and believe that Claims 22-24 shall be allowable over Fay. Reconsideration of Claims 22-24 is respectfully requested.

Claims 25 and 29 recite similar features that have been recited in the above independent claims. Applicants wish to apply the above reasons to support Claims 25-29. Accordingly, Applicants respectfully believe that Claims 25-34 shall be allowable over Fay. Reconsideration of Claims 25-34 is respectfully requested.

In view of the above amendments and remarks, the Applicants believe that Claims 1-34 shall be in condition for allowance over the cited references. Early and favorable action is being respectfully solicited.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplementary Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at (408)777-8873.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to "Commissioner of Patents and Trademarks, Alexandria, VA 22313-1450", on October _23__, 2004.

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Respectfully submitted;

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